

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

Bishop Sunland Solid Waste Site

SWIS No. 14-AA-0005

September 13, 2017

Background Information, Analysis, and Findings:

This report was developed in response to the Inyo County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Bishop Sunland Solid Waste Site, SWIS No. 14-AA-0005, located in Inyo County and owned by the City of Los Angeles Department of Water and Power and operated by Inyo County Integrated Waste Management. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 11, 2017. A new SWFP was received on August 8, 2017. On June 27, 2017, the operator requested a 60-day waiver of the timelines to August 27, 2017. On June 29, 2017, the LEA accepted the timeline waiver and sent the approved request to CalRecycle. A new proposed permit was received on August 8, 2017. Action must be taken on this permit no later than October 7, 2017. If no action is taken by October 7, 2017, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (1999)	Proposed Permit
Permitted Hours of Operation	Public Hours: 7:30-3:30 seven days a week, closed on specific holidays. Operation hours: 7:30-4:30, seven days per week.	(Receipt of Refuse/Waste) <u>7:30 AM to 3:30 PM 7 days/week, closed on certain holidays as described in the JTD.</u> (Ancillary Operations/Facility Operating Hours) <u>7:30 AM to 4:30 PM 7 days/week</u>
Permitted Maximum Tonnage	120 Tons/Day	160 Tons per Day Total
Permitted Disposal Area (in acres)	68.44	75.08
Permitted Maximum Elevation (ft. MSL)	4250	4277
Estimated Closure Date	2097	2064
Design Capacity (cu. yds)	4,039,760	6,016,716

Other Changes include:

1. Updates to the documents list and
2. the elimination of conditions no longer applicable.

Background

Bishop Sunland Solid Waste Site has been in operation since 1955. The proposed revision to the SWFP for the Bishop Sunland Solid Waste Site includes a correction to the historical limit of waste area (previously reported disposal area that has been determined to be incorrect).

In addition to clarifying the existing facility footprint, the proposed revision to the permit would allow an increase in permitted daily tonnage from 120 to 160 tons of municipal solid waste (MSW) per operating day. The purpose of the proposed tonnage increase is to address the occasional high flow of MSW into Bishop Sunland Solid Waste Site typically associated with major holidays, large-scale construction and demolition projects, and unforeseen or unusual circumstances. In increasing the allowable daily tonnage, the estimated closure date will be changed from 2097 to 2064.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 11, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 30, 2017. The LEA provided a copy to the Department on May 30, 2017. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 8, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 11, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated May 17, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated June 13, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated June 13, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated September 12, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated September 12, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance staff inspected the facility June 6, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 11, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 28, 2017. No comments were received by LEA staff. No members of the public attended the public meeting. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permit staff in the Permitting and Assistance Branch, North Section, conducted a pre-permit inspection on June 6, 2017 and noted three violations during the inspection:

- One violation of PRC 44014(b) – Operator Complies with Terms & Conditions
- One violation of Title 27, section 21600 – Report of Disposal Site Information;
- One violation of Title 27, section 20680 – Daily Cover.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014-2017 – 28 violations of PRC 44014(b) - Operator Complies with Terms & Conditions
- 2017 (June) - One violation of Title 27, section 20830 – Litter Control
- 2017 (June) - One violation of Title 27, section 21600 - Report of Disposal Site Information
- 2017 (June) - One violation of Title 27, section 20680 – Daily Cover
- 2016 (May) - One violation of Title 27, section 20615 – Supervision
- 2012-2013 – No violations were issued

The continual violation for PRC 44014(b) (waste outside the permitted footprint) as well as the violation of Title 27, section 21600 issued by Department staff on June 6, 2017, will be corrected by issuance of the proposed SWFP.

All the other violations, including the violation of Title 27, section 20680 (Daily Cover) noted by CalRecycle staff during the June 6, 2017 inspection, have been corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Inyo County, Inyo County Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- An increase permitted maximum tonnage from 120 tons per day to 160 tons per day;
- An increase in the permitted disposal area from 68.44 acres to 75.08 acres;
- An increase in maximum permitted elevation from 4250 ft. MSL to 4277 ft. MSL;
- An increase in design capacity from 4,039,760 CY. to 6,016,716 CY.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. #1999041076, was circulated for a 30 day comment period from May 10, 1999 to June 8, 1999. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on May 19, 1999.

A technical addendum prepared in 2012 addressed “changes in the site operation areas, changes in operation equipment, correction of the historical limit of waste area, changes in maximum daily disposal tonnage, changes in average waste disposal rates, changes in site life estimate, and changes in total site capacity based on revision of the site final grading plan and adjusted landfill footprint area.”

The County of Inyo Environmental Health Services (LEA) has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND and addendum as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 28, 2017, at Inyo County Conference Room, 163 May Street, in the City of Bishop. There were no members of the public in attendance. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 18, 2017.